

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA

Plaintiff,

vs.

CITY OF SEATTLE

Defendant.

CASE No. C12-1282JLR

Order
and Proposed Entry
per
**MEMORANDUM SUBMITTING
THE SEATTLE POLICE
DEPARTMENT'S CROWD
MANAGEMENT POLICY**

The Parties and the Monitor hereby submit the Seattle Police Department's Crowd Management Policy § 14.090. The Monitor respectfully requests the Court to approve this policy.

DATED this 27th day of January, 2017.

M. Bobb
Merrick J. Bobb, Monitor

CERTIFICATE OF SERVICE

I certify that on the 27th day of January, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record:

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DATED this 27th day of January, 2017.

/s/ Jackie Slavik
Jackie Slavik

MEMORANDUM SUBMITTING THE
SPD CROWD MANAGEMENT POLICY
Case No. C12-1282JLR

4815-1527-27681

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Per

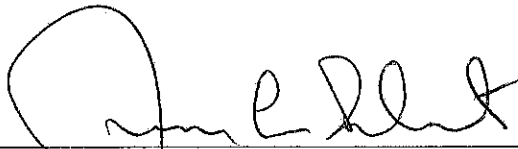
~~PROPOSED~~ ORDER

The Court hereby approves the Seattle Police Department's Crowd Management Policy

§ 14.090.

3rd day of February,

Dated: January, 2017.



THE HON. JAMES L. ROBART
UNITED STATES DISTRICT COURT JUDGE

Seattle Police Manual

14.090 – Crowd Management

Effective Date: DRAFT 11/08/2016

14.090 – POL

It is the policy of the Seattle Police Department to facilitate free speech and assembly whenever possible, while preserving order and protecting persons and property. This manual section governs the Department's response to such events when transportation and public safety considerations are best served by a police presence.

1. The Department Uses the Incident Command System (ICS) for Crowd Management

When assigned, an Incident Commander will oversee the Department's response before, during and after an event.

- The Incident Commander may delegate authority and assignments.

2. The Incident Commander Will be a Sergeant or Above

- **Exception:** An officer can serve as Incident Commander until a sergeant can respond.
- A lieutenant will assume command when there are two sergeants and/or two squads involved in the event.
- A captain will assume command when there are two lieutenants involved in the event.
- For more information, see Manual Section 1.020 – Chain of Command.

3. As Far in Advance of the Incident as Possible, the Incident Commander Will Coordinate with the Appropriate Department Resources to Obtain Information to Assist with Operational Planning and Staffing

4. The Incident Commander May Consider Utilizing Specialty Units, Based on Operational Needs

In the event of an unplanned crowd management event, the Incident Commander shall request SWAT when feasible.

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See 14.090-TSK-1 Responsibilities of the Incident Commander.

5. The Incident Commander Will Determine Minimum Staffing for Crowd Management Events

- The Incident Commander will base staffing levels on the projected number of event participants and any pre-event information indicating potential violence.
- The Incident Commander will develop contingency plans regarding staffing and tactics.
- When feasible, the Incident Commander will provide the staffing plan to the SPD Budget Section prior to the incident.

6. The Incident Commander Will Deliver Event Briefings Using a Standardized Format (SPD ICS Briefing Format)

7. The Incident Commander Will Communicate Each Unit's Mission to That Unit's Supervisor or Commander

The involved unit's supervisor or commander will develop the specific methods or tactics that will be used to accomplish the mission. See 14.090-TSK-2 Responsibilities of the Supervisor.

- The unit supervisor or commander will submit all unit plans to the Incident Commander, who will approve or modify the plans to accomplish the overall mission, with any modifications communicated back to the unit supervisor or commander.

8. The Incident Commander Retains Ultimate Responsibility for the Decisions of Subordinates

In order to fulfill this obligation, the Incident Commander will be available for on-scene consultation.

9. Crowd Dispersal

a. Upon Determining That There are Acts or Conduct Within a Group of Four or More Persons That Create a Substantial Risk of Causing Injury to Any Person or Substantial Harm to Property, the Incident Commander May Order That the Crowd Be Dispersed

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See SMC 12A.12.020. (hyperlink)

Before ordering that the crowd be dispersed, the Incident Commander shall consider whether less restrictive means of crowd management are available. Such means may include strategies such as area denial and/or seeking voluntary compliance.

Upon determining that dispersal is appropriate, the Incident Commander shall ensure that there is an avenue of egress sufficient to allow the crowd to depart.

The Incident Commander or designee will issue the order to disperse prior to instructing officers to disperse the crowd, if feasible.

See 14.090-TSK-3 Issuing the Order to Disperse.

b. The Incident Commander Shall Have Authority to Direct the Use of Blast Balls and OC Spray to Disperse the Crowd (See Manual Section 8.300 – Use-of-Force Tools)

When feasible, officers will not deploy blast balls or OC spray until a dispersal order has been issued to the crowd and the crowd has been given a reasonable amount of time to comply.

A lieutenant may authorize the use of blast balls and OC spray to disperse a crowd if an immediate life safety emergency exists that requires this action be taken and there is insufficient time to obtain incident command approval.

- An immediate life safety emergency is an unplanned, dynamic situation where immediate police action is necessary to protect the officers' and/or the public's safety.
- Only personnel trained to deploy patrol CART tools (blast balls and OC spray) are authorized to carry and use these tools under the supervision of a CART-trained supervisor, unless otherwise directed by the Incident Commander.

When feasible, officers will not deploy blast balls and OC spray until a dispersal order has been issued to the crowd and the crowd has been given a reasonable amount of time to comply.

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When feasible, officers shall avoid deploying blast balls and OC spray in the proximity of people who are not posing a risk to public safety or property.

The deployment of blast balls away from people (i.e. a "bang out") is reported and investigated as Type I force. Deployments in the vicinity of people may be categorized as Type II or Type III force, depending upon the circumstances of the deployment and the resulting injury. (See Manual Section 8.400 regarding force classification.)

c. Each Precinct Will Maintain a Supply of Blast Balls and OC Spray

Each precinct will maintain a log of the serial number of each blast ball in its supply. Blast balls will be issued, by serial number, to specific officers as needed. Officers will be responsible for each blast ball that they are issued. Officers will return unused blast balls after the event, and will provide the event number related to any deployments.

After a crowd management event, the Department blast ball coordinator will be responsible for ensuring that the precinct log is reviewed to verify whether all deployed blast balls were reported.

d. The Incident Commander Will Deploy Department Personnel to Accomplish Specific Tactical Objectives Consistent with ICS

10. Officers May Make Individual Decisions to Deploy OC Spray, and Blast Balls Consistent with Title 8 – Use-of-Force

The authorized use of OC in crowd management situations involving violent activity shall have as a primary objective at least one of the following:

- Defend oneself
- Defend someone else
- Prevent significant destruction of property

a. OC Will be Directed at the Specific Suspect(s) who are Posing a Threat

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When feasible, officers shall issue a verbal warning to the suspect(s), other officers, and other individuals present, that OC spray will be used. When feasible, officers will wait a reasonable amount of time to allow the suspect(s) to comply with the warning before using OC spray.

Officers deploying OC will attempt to limit collateral exposure to non-involved parties.

- If there is probable cause to arrest for a crime, it is a priority for officers to arrest individuals against whom OC has been deployed.

b. Officers Will Provide Aid to Subjects Exposed to OC and/or Blast Balls, if Feasible

Officers will request medical response or assistance for subjects exposed to OC when they complain of continued effects after having been decontaminated, or they indicate that they have a pre-existing medical condition (e.g. asthma, emphysema, bronchitis, heart ailment, etc) that may be aggravated by OC.

Officers will request medical response or assistance for subjects who appear to have been injured by a blast ball or who complain of pain or injury from having been struck by a blast ball.

11. Incident Commanders and Officers Must Document Uses of Force

- The Incident Commander authorizing the use of less-lethal tools must justify that decision in a Use-of-Force Report, with a copy submitted to the relevant Bureau Commander in addition to the normal routing.
- Officers shall individually justify and document all reportable uses of force consistent with Manual Section 8.400 - Use-of-Force Reporting and Investigation.

12. Following the Event, Sergeants and Incident Commanders Will Conduct a Day-of-Event Debrief

- Sergeants will conduct a debriefing of their assigned officers and document any observations or suggestions on an *Event Debrief Form* (form 23.5).

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- Sergeants and the Incident Command staff will then have a separate debrief to discuss the following subjects:
 - Event staffing
 - Deployment
 - Command issues
 - Communication issues
 - Logistical issues
 - Use of less-lethal tools
 - Areas of success
 - Areas for improvement

13. Consistent with Manual Section 14.010, the Incident Commander Will Complete an After-Action Report

- The Incident Commander will complete an After-Action Report that will be routed to the Patrol Operations Bureau Commander via the precinct-of-occurrence chain of command. The Incident Commander is encouraged to incorporate community perspectives in the report. All completed Event Debrief Forms will be attached to the After-Action Report.
- Once reviewed by the Patrol Operations Bureau Commander, the After-Action Report and Event Debrief Forms will be sent to SPOC by Patrol Operations Bureau staff.

14. Uses of Force that Occur During the Course of Crowd Management are Reviewed in Accordance with Manual Section 8.500-POL-6.

14.090-TSK-1 Responsibilities of the Incident Commander

During the course of managing a crowd, the Incident Commander:

1. If feasible, **contacts** the event organizer to discuss the Department response
2. **Develops** contingency plan regarding staffing and tactics

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- SPD task force callout criteria
- Mutual aid callout criteria

3. **Considers** utilizing specialty units

- Bicycle units for marches or mobile protests
- Officers on foot for static events, or to function as arrest teams or bicycle unit support for marches or mobile protests
- Mounted patrol for static events, marches or mobile protests
- Video Unit for events where information indicates that civil disobedience or crowd violence will occur (Recordings must be in compliance with SMC 14.12 – Collection of Information for Law Enforcement Purposes.)
- Special Weapons and Tactics (SWAT) officers to use less-lethal launchers and tools that are approved for use solely by the SWAT team
- CART-trained officers when there is insufficient time to deploy SWAT
- Prisoner processing for events where information indicates civil disobedience or crowd violence will occur
- Intelligence Unit resources when there is a need for ongoing information gathering and dissemination during the event
- SPOC for planning and logistical support

4. **Provides** a staffing plan to the SPD Budget Section, if feasible

5. **Communicates** each unit's mission to the relevant supervisor or commander

- a. **Instructs** the supervisor or commander to develop and provide plans
- b. **Approves** unit plans

6. **Briefs** officers and supervisors using the SPD ICS briefing format

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7. **Remains** available for on-scene consultation
8. **Debriefs** supervisors and commanders following the event
 - a. **Collects** Event Debrief Forms from the supervisors
9. **Completes** an After-Action Report consistent with the requirements of Manual Section 14.010 – After-Action Reports
 - b. **Routes** the After-Action Report and Event Debrief Forms to the Patrol Operations Bureau Commander, via the chain of command

14.090–TSK–2 Responsibilities of the Supervisor

The supervisor:

1. **Develops** methods or tactics that will be used to accomplish the mission, as directed by the Incident Commander
 - a. **Submits** plans to the Incident Commander
2. **Debriefs** assigned officers after the incident
3. **Documents** observations and suggestions on an *Event Debrief Form* (form 23.5)
 - a. **Submits** *Event Debrief Forms* to Incident Commander
4. **Attends** separate debrief with Incident Commander

14.090–TSK–3 Issuing the Order to Disperse

Upon determining that the crowd presents an imminent risk to public safety or that large-scale property destruction appears likely, the Incident Commander, as feasible:

1. **Considers** placing officers at the rear of the crowd to verify that the order to disperse will be heard by all
2. **Issues** the following order:

"I am (rank and name) of the Seattle Police Department. I am now issuing a public safety order to disperse and I command all those assembled at (specific location) to

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immediately disperse, which means leave this area. If you do not do so, you may be arrested or subject to other police action. Other police action could include the use of chemical agents or less-lethal munitions, which may inflict significant pain or result in serious injury. If you remain in the area just described, regardless of your purpose, you will be in violation of city and state law. The following routes of dispersal are available: (routes). You have (reasonable amount of time) minutes to disperse."

3. **Allows** a reasonable amount of time for the crowd to disperse

4. **Repeats** the order to disperse, if feasible

5. **Continually** assesses the balance of dispersal time and the goal of retaining control of the situation